

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL S. GORBEY,

Plaintiff,

v.

PRESIDENT JOE BIDEN, *et al.*,

Defendants.

No. 4:21-CV-00131

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

MAY 19, 2021

Michael S. Gorbey filed this 42 U.S.C. § 1983 civil rights complaint alleging that numerous individuals violated the United States Constitution by purportedly interfering with the 2020 presidential election.¹ Gorbey also filed a motion to proceed *in forma pauperis*, which Magistrate Judge Joseph F. Saporito, Jr. denied on February 25, 2021.² Gorbey was instructed to pay the required filing fee within 30 days of Magistrate Judge Saporito's Order and was informed that the failure to pay the filing fee may result in dismissal of the complaint.³ Gorbey did not pay the required filing fee and, accordingly, on April 6, 2021, Magistrate Judge Saporito issued a Report and Recommendation recommending that the complaint be

¹ Doc. 5.

² Docs. 6, 12, 13.

³ Doc. 13.

dismissed without prejudice.⁴ No timely objections have been filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.⁵ Regardless of whether objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁶ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Saporito’s conclusion that the complaint should be dismissed without prejudice for failure to pay the required filing fee. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Joseph F. Saporito, Jr.’s Report and Recommendation (Doc. 14) is **ADOPTED**;
2. Gorbey’s complaint (Doc. 5) is **DISMISSED** without prejudice; and
3. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge

⁴ Doc. 14.

⁵ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.